

Message Text

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TO SECSTATE WASHDC IMMEDIATE 3693
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FOR EUR/CAN - MR. BROH-KAHN

E.O. 11652: NA
TAGS: ENRG, CA
SUBJECT: BRITISH COLUMBIA TAXATION OF PIPELINES

REF: BUCHANAN/PLACKE TELCON OF AUGUST 18

1. FOLLOWING IS FULL TEXT OF B.C. TAX PROVISIONS RELATING TO
PIPELINES (TAXATION ACT OF BRITISH COLUMBIA OF 1960, AS AMENDED,
CHAPTER 376, SECTIONS 31 AND 32):

QUOTE.

31. THE ASSESSED VALUE OF LAND AND IMPROVEMENTS AS DEFINED IN
THIS ACT SHALL BE DETERMINED UNDER THE ASSESSMENT EQUALIZATION
ACT. R.S. 1948, C. 332, S. 30; 1950, C. 72, S. 4; 1961, C. 61,

S. 3.

32. (1) IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES,
"GATHERING PIPE-LINES" MEANS PIPE-LINES FOR THE TRANSPORTATION OF,
(A) NATURAL GAS FROM THE FINAL POINT OF WELL-HEAD PREPARATION TO
THE INTAKE-VALVE AT THE SCRUBBING, PROCESSING, OR REFINING PLANT,
(B) PETROLEUM OR PETROLEUM PRODUCTS FROM THE DELIVERY-VALVE TO
THE INTAKE-VALVE AT THE REFINING, PROCESSING, OR STORAGE FACILITIES
WHICH PRECEDE TRANSFER OF THE OIL TO A TRANSPORTATION PIPE-LINE;
"NATURAL GAS" MEANS A GASEOUS MIXTURE OF HYDROCARBONS AND OTHER
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GASES RECEIVED FROM THE WELLS, AND INCLUDES SUCH GAS AFTER
REFINEMENT;

"NATURAL-GAS DISTRIBUTION PIPE-LINES" MEANS THE LOW-PRESSURE
PIPE-LINES WHICH RECEIVE THE NATURAL GAS FOR DISTRIBUTION PURPOSES
FROM THE HIGH-PRESSURE TRANSPORTATION PIPE-LINES AT THE PRESSURE-
REDUCING VALVES;

"PERCENTAGE UTILIZATION OF A PIPE-LINE" MEANS THE AVERAGE ACTUAL

DAILY UTILIZED CAPACITY OF THE PIPE-LINE EXPRESSED AS A PERCENTAGE OF THE AVERAGE RATED DAILY CAPACITY;

"PETROLEUM OR PETROLEUM PRODUCTS" MEANS CRUDE OIL OR LIQUID HYDROCARBONS OR ANY PRODUCT OR BY-PRODUCT THEREOF;

"PIPE-LINE COMPANY" MEANS A PERSON, PARTNERSHIP, OR ASSOCIATION OWNING OR OPERATING A PIPE-LINE, ALL OR ANY PART OF WHICH IS SITUATE IN BRITISH COLUMBIA;

"PIPE-LINE RIGHT-OF-WAY" MEANS A STRIP OF LAND NOT EXCEEDING SIXTY FEET IN WIDTH UPON OR UNDER WHICH IS LAID A PIPE-LINE OR PIPE-LINES USED IN GATHERING, DISTRIBUTION, OR TRANSPORTATION OF NATURAL GAS, PETROLEUM, OR PETROLEUM PRODUCTS;

"PIPE-LINE SYSTEM" MEANS ANY NUMBER OF CONNECTED GATHERING PIPE-LINES OR ANY NUMBER OF CONNECTED TRANSPORTATION PIPE-LINES: AND SUCH PIPE-LINES SHALL BE DEEMED CONNECTED IF THEIR THROUGH-PUT OR POTENTIAL THROUGHPUT WOULD MINGLE AT ANY POINT IN THE SYSTEM, SO THAT A GATHERING SYSTEM SHALL INCLUDE BRANCH GATHERING PIPE-LINES, LATERALS, AND LOOPS CONNECTED WITH IT AND A TRANSPORTATION SYSTEM SHALL INCLUDE BRANCH TRANSPORTATION PIPE-LINES, LATERALS, AND LOOPS CONNECTED WITH IT. ANY GATHERING PIPE-LINE SYSTEM SHALL INCLUDE ONLY GATHERING PIPE-LINES AND ANY TRANSPORTATION SYSTEM SHALL INCLUDE ONLY TRANSPORTATION PIPE-LINES; "TRANSPORTATION PIPE-LINE" MEANS A PIPE-LINE, OTHER THAN A DISTRIBUTION PIPE-LINE OR GATHERING PIPE-LINE, USED FOR THE TRANSPORTATION OF NATURAL GAS, PETROLEUM, OR PETROLEUM PRODUCTS.

(2) WHERE A PIPE-LINE COMPANY COMMENCES TO DELIVER NATURAL GAS, PETROLEUM, OR PETROLEUM PRODUCTS FOR THE FIRST TIME, THE COMPANY UNCLASSIFIED

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SHALL MAKE A RETURN TO THE SURVEYOR OF TAXES WITHIN TWENTY-ONE DAYS AFTER THE PIPE-LINE COMMENCES OPERATION SETTING OUT THE INFORMATION REQUIRED UNDER SUBSECTION (3).

(3) EVERY PIPE-LINE COMPANY WHICH IS IN OPERATION SHALL MAKE A RETURN TO THE SURVEYOR OF TAXES, WITHOUT ANY NOTICE OR DEMAND, ON OR BEFORE THE TWENTY-FIRST DAY OF OCTOBER ANNUALLY; THE RETURN SHALL BE FOR THE TWELVE MONTHS ENDING ON THE THIRTIETH DAY OF SEPTEMBER IN EACH YEAR AND SHALL INCLUDE (A) THE TOTAL NUMBER OF MILES OF EACH PIPE-LINE OF THE COMPANY SITUATE WITHIN UNORGANIZED AREAS AND EACH VILLAGE MUNICIPALITY, AND A SEGREGATION OF THE MILEAGE OF EACH PIPE-LINE IN THE UNORGANIZED AREAS BY SCHOOL DISTRICTS; (B) THE OUTSIDE DIAMETER OF PIPE OF EACH PIPE-LINE, THE TOTAL THROUGHPUT DURING SUCH TWELVE MONTHS, THE NUMBER OF DAYS THAT THE PIPE-LINE OPERATED DURING SUCH TWELVE MONTHS, AND THE AVERAGE DAILY RATED CAPACITY AND THE AVERAGE ACTUAL DAILY UTILIZED CAPACITY OF EACH PIPE-LINE AS CALCULATED BY THE COMPANY; (C) A LISTING AND TOTAL COSTS OF OTHER IMPROVEMENTS, INCLUDING BUILDINGS AND STORAGE-TANKS OF THE COMPANY, COMPLETED OR DEMOLISHED, IN UNORGANIZED AREAS AND VILLAGE MUNICIPALITIES.

(4) WHERE A PIPE-LINE COMPANY WHICH IS IN OPERATION COMPLETES OR DEMOLISHES A PIPE-LINE, PUMPING-STATION, COMPRESSOR-STATION,

AND OTHER IMPROVEMENT BETWEEN THE FIRST DAY OF OCTOBER AND THE THIRTY-FIRST DAY OF DECEMBER IN ANY YEAR, THE COMPANY SHALL MAKE A RETURN TO THE SURVEYOR OF TAXES WITHIN TWENTY-ONE DAYS AFTER THE DATE THE IMPROVEMENT WAS COMPLETED OR DEMOLISHED, SETTING OUT IN DETAIL (A) THE TOTAL NUMBER OF MILES OF PIPE-LINE OF THE COMPANY SITUATE WITHIN UNORGANIZED AREAS AND EACH VILLAGE MUNICIPALITY, COMPLETED OR DEMOLISHED, AND A SEGREGATION OF THE MILEAGE OF PIPE-LINE IN UNORGANIZED AREAS BY SCHOOL DISTRICTS; (B) THE OUTSIDE DIAMETER OF PIPE OF EACH PIPE-LINE, COMPLETED OR DEMOLISHED; (C) A LISTING AND TOTAL COSTS OF OTHER IMPROVEMENTS, INCLUDING BUILDINGS AND STORAGE-TANKS, OF THE COMPANY, COMPLETED OR DEMOLISHED, IN UNORGANIZED AREAS AND VILLAGE MUNICIPALITIES

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(D) AN ESTIMATE OF THE TOTAL THROUGHPUT OF THE PIPE-LINE DURING THE FIRST TWELVE CONSECUTIVE MONTHS OF OPERATION AFTER THE IMPROVEMENTS ARE COMPLETED OR DEMOLISHED, AN ESTIMATE OF THE NUMBER OF DAYS OF OPERATION OF THE PIPE-LINE DURING THE SAME PERIOD, AND THE AVERAGE RATED DAILY CAPACITY OF THE PIPE-LINE AFTER INSTALLATION OR REMOVAL OF THE IMPROVEMENTS REPORTED COMPLETED OR DEMOLISHED AS CALCULATED BY THE COMPANY; (E) AN ESTIMATE OF THE AVERAGE ACTUAL DAILY UTILIZED CAPACITY OF THE PIPE-LINE DURING THE FIRST TWELVE CONSECUTIVE MONTHS OF OPERATION AFTER THE IMPROVEMENTS ARE COMPLETED OR DEMOLISHED.

(5) THE SURVEYOR IS BOUND BY THE INFORMATION CONTAINED IN ANY RETURN MADE UNDER THIS SECTION BUT SHALL ASSESS THE PROPERTY OF THE COMPANY IN THE MANNER PROVIDED IN THIS ACT.

(6) NOTWITHSTANDING SECTION 31, GATHERING PIPE-LINES AND TRANSPORTATION PIPE-LINES SHALL BE ASSESSED AS FOLLOWS: (A) FOR THE PURPOSES OF ASSESSMENT, "PIPE-LINE" INCLUDES VALVES, CLEAN-OUTS, FASTENINGS, AND APPURTENANCES LOCATED ON THE RIGHT-OF-WAY OF THE PIPE-LINE, BUT DOES NOT INCLUDE PUMPING EQUIPMENT, COMPRESSOR EQUIPMENT, STORAGE-TANKS, AND BUILDINGS; (B) A PIPE-LINE WHICH HAS A PERCENTAGE UTILIZATION OF NOT LESS THAN NINETY PER CENTUM

SHALL BE ASSESSED AT THE FOLLOWING VALUES PER MILE, BASED UPON
THE OUTSIDE DIAMETER OF THE PIPE-LINE:

OUTSIDE DIAMETER OF PIPE MAXIMUM ASSESSMENT PER
MILE OF SINGLE PIPE

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UNDER 3 INCHES	DOLS 3,000
3 INCHES OR MORE AND UNDER 4 INCHES	4,800
4 INCHES OR MORE AND UNDER 6 INCHES	10,200
6 INCHES OR MORE AND UNDER 8 INCHES	14,400
8 INCHES OR MORE AND UNDER 10 INCHES	18,900
10 INCHES OR MORE AND UNDER 12 INCHES	23,200
12 INCHES OR MORE AND UNDER 14 INCHES	26,800
14 INCHES OR MORE AND UNDER 16 INCHES	30,300
16 INCHES OR MORE AND UNDER 18 INCHES	33,900
18 INCHES OR MORE AND UNDER 20 INCHES	37,800
20 INCHES OR MORE AND UNDER 22 INCHES	42,100
22 INCHES OR MORE AND UNDER 24 INCHES	46,800
24 INCHES OR MORE AND UNDER 26 INCHES	51,500
26 INCHES OR MORE AND UNDER 28 INCHES	56,300
28 INCHES OR MORE AND UNDER 30 INCHES	61,000
30 INCHES OR MORE AND UNDER 32 INCHES	64,400
32 INCHES OR MORE AND UNDER 34 INCHES	68,800
34 INCHES OR MORE AND UNDER 36 INCHES	73,100
36 INCHES OR MORE AND UNDER 38 INCHES	77,400
38 INCHES OR MORE AND UNDER 40 INCHES	81,700
40 INCHES OR MORE AND UNDER 42 INCHES	86,000

(C) A PIPE-LINE WHICH HAS A PERCENTAGE UTILIZATION OF LESS THAN
NINETY PER CENTUM SHALL HAVE AN ASSESSED VALUE WHICH IS EQUAL TO
THE GREATER OF THAT PERCENTAGE OR TEN PER CENTUM OF THE ASSESSED
VALUE SPECIFIED IN CLAUSE (B); (D) WHERE TWO OR MORE PIPE-LINES
OF THE SAME PIPE-LINE COMPANY ARE LAID UPON OR UNDER THE SAME
RIGHT-OF-WAY, EACH PIPE-LINE SHALL BE ASSESSED, AND FOR THE
PURPOSES OF THIS SECTION ONE OF THE PIPE-LINES SHALL BE DEEMED TO
BE THE MAIN PIPE-LINE AND EACH OTHER PIPE-LINE SHALL BE DEEMED TO
BE A SECONDARY PIPE-LINE; THAT IS TO SAY, (I) THE PIPE-LINE
WHICH IS OF THE LARGER OR LARGEST OUTSIDE DIAMETER SHALL BE DEEMED
TO BE THE MAIN PIPE-LINE; OR (II) WHERE TWO OR MORE OF SUCH PIPE-
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LINES HAVE THE SAME OUTSIDE DIAMETER, THE PIPE-LINE WITH THE LARGER
OR LARGEST PERCENTAGE UTILIZATION SHALL BE DEEMED TO BE THE MAIN

PIPE-LINE; AND THE ASSESSED VALUE OF EACH SECONDARY PIPE-LINE SHALL BE, (III) WHERE IT HAS A PERCENTAGE UTILIZATION OF NOT LESS THAN SEVENTY-FIVE PERCENTUM, SEVENTY-FIVE PER CENTUM OF ITS MAXIMUM ASSESSED VALUE AS DETERMINED UNDER CLAUSE (B); OR, (IV) WHERE IT HAS A PERCENTAGE UTILIZATION OF LESS THAN SEVENTY-FIVE PER CENTUM, THE ASSESSED VALUE AS DETERMINED UNDER CLAUSE (C).

(7) THE AVERAGE ACTUAL DAILY UTILIZED CAPACITY OF A GATHERING PIPE-LINE OR TRANSPORTATION PIPE-LINE SHALL BE DETERMINED, (A) WHERE A RETURN IS MADE UNDER SUBSECTION (3) FOR OPERATIONS WITH RESPECT TO TWELVE CONSECUTIVE MONTHS ENDING ON THE THIRTIETH DAY OF SEPTEMBER, BY DIVIDING THE TOTAL THROUGHPUT DURING THE TWELVE MONTHS BY THE NUMBER OF DAYS THAT THE PIPE-LINE OPERATED IN THE REPORTING PERIOD; (B) WHERE A RETURN IS MADE UNDER SUBSECTIONS (2), (3), AND (4) FOR OPERATIONS WITH RESPECT TO LESS THAN TWELVE CONSECUTIVE MONTHS, BY DIVIDING THE ESTIMATED TOTAL THROUGHPUT IN THE FIRST TWELVE CONSECUTIVE MONTHS AFTER THE PIPE-LINE COMMENCES OPERATION BY THE NUMBER OF DAYS THAT IT IS ESTIMATED THE PIPE-LINE WILL OPERATE IN THAT TWELVE MONTHS.

(8) THE AVERAGE RATED DAILY CAPACITY OF A GATHERING PIPE-LINE OR TRANSPORTATION PIPE-LINE SHALL BE DETERMINED, (A) WHERE A RETURN IS MADE UNDER SUBSECTION (3) FOR OPERATIONS WITH RESPECT TO TWELVE CONSECUTIVE MONTHS AND WHERE A PUMPING OR COMPRESSOR STATION IS IN PLACE AND IN USE ON THE PIPE-LINE, BY MULTIPLYING EACH RATED DAILY CAPACITY BY THE NUMBER OF DAYS ON WHICH EACH RATED DAILY CAPACITY EXISTED AND BY DIVIDING THE PRODUCT BY THE NUMBER OF DAYS THAT THE PIPE-LINE OPERATED IN THE REPORTING PERIOD; (B) WHERE A RETURN IS MADE UNDER SUBSECTIONS (2), (3), AND (4) FOR OPERATIONS WITH RESECT TO LESS THAN TWELVE CONSECUTIVE MONTHS AND WHERE A PUMPING OR COMPRESSOR STATION IS IN PLACE AND IN USE ON THE PIPE-LINE, BY MULTIPLYING EACH ESTIMATED RATED DAILY CAPACITY BY THE ESTIMATED NUMBER OF DAYS ON WHICH EACH RATED DAILY CAPACITY

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WILL EXIST DURING THE FIRST TWELVE MONTHS OF OPERATION AND BY DIVIDING THE PRODUCT BY THE ESTIMATED NUMBER OF DAYS THAT THE PIPE-LINE WILL OPERATE DURING THE FIRST TWELVE MONTHS OF OPERATION; (C) WHERE A RETURN IS MADE UNDER SUBSECTION (3) FOR OPERATIONS WITH RESPECT TO TWELVE CONSECUTIVE MONTHS AND WHERE NO PUMPING OR COMPRESSOR STATION IS IN PLACE AND IN USE ON THE PIPE-LINE, BY SELECTING THE MAXIMUM DAILY UTILIZED CAPACITY OCCURRING DURING THE REPORTING PERIOD; (D) WHERE A RETURN IS MADE UNDER SUBSECTIONS (2),(3), AND (4) FOR OPERATIONS WITH RESPECT TO LESS THAN TWELVE CONSECUTIVE MONTHS AND WHERE NO PUMPING OR COMPRESSOR STATION IS IN PLACE AND IN USE ON THE PIPE-LINE, BY SELECTING THE MAXIMUM ESTIMATED DAILY UTILIZED CAPACITY DURING THE FIRST TWELVE MONTHS OF OPERATION.

(9)(A) THE PERCENTAGE UTILIZATION OF EACH GATHERING AND TRANSPORTATION PIPE-LINE SYSTEM, INCLUDING BRANCHES, LATERALS OR LOOPS OF EACH PIPE-LINE COMPANY, SHALL BE DEEMED TO BE THE SAME THROUGHOUT THE COMPLETE MILEAGE OF SUCH PIPE-LINE SYSTEM, NOTWITHSTANDING ANY VARIATION OF OUTSIDE DIAMETER AND THROUGHPUT, AND SHALL BE CALCULATED WHERE THE AVERAGE ACTUAL DAILY UTILIZED CAPACITY OF EACH PIPE-LINE SYSTEM IS AT ITS MAXIMUM. (B) THE PERCENTAGE UTILIZATION OF EACH GATHERING AND TRANSPORTATION PIPE-LINE NOT FORMING PART OF A SYSTEM SHALL BE DEEMED TO BE THE SAME THROUGHOUT THE COMPLETE MILEAGE OF SUCH PIPE-LINE, NOTWITHSTANDING ANY VARIATION IN OUTSIDE DIAMETER AND THROUGHPUT, AND SHALL BE CALCULATED WHERE THE AVERAGE ACTUAL DAILY UTILIZED CAPACITY OF EACH PIPE-LINE IS AT ITS MAXIMUM.

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KQPLM THE ASSESSED VALUE OF ALL DISTRIBUTION PIPE-LINES, INCLUDING ALL PIPE-LINES SITUATE WITHIN A NATURAL-GAS, PETROLEUM, AND PETROLEUM-PRODUCT REFINERY, DEPOT, BULK PLANT, AND PIPE-LINE TERMINAL, SHALL BE ASCERTAINED PURSUANT TO SECTION 31.

(11) PIPE-LINES SHALL BE ASSESSED AND TAXED AT THE IMPROVED-LAND RATE.

(12) ANY DISPUTE ARISING BETWEEN THE SURVEYOR OF TAXES AND THE PIPE-LINE COMPANY OVER THE CLASSIFICATION OF A PIPE-LINE AS A DISTRIBUTION, GATHERING, OR TRANSPORTATION PIPE-LINE OR OVER THE PIPE-LINES WHICH FORM PART OF EACH DISTRIBUTION, GATHERING, OR TRANSPORTATION PIPE-LINE SYSTEM SHALL BE SETTLED BY THE MINISTER ON ISSUANCE OF HIS CERTIFICATE DESIGNATING OR REDESIGNATING THOSE PIPE-LINES WHICH HE DEEMS ARE FOR DISTRIBUTION, GATHERING, OR TRANSPORTATION OF NATURAL GAS, PETROLEUM, OR PETROLEUM PRODUCTS OR BY DESIGNATING OR REDESIGNATING THE PIPE-LINES WHICH FORM PART OF EACH DISTRIBUTION, GATHERING, OR TRANSPORTATION PIPE-LINE SYSTEM OF EACH PIPE-LINE COMPANY. 1952, C. 14, S.5; 1956, C. 48, S. 3; 1958, C. 61, S. 5; 1961; C. 61, S. 4; 1967, C. 49, S. 12A. UNQUOTE.

2. ACCORDING TO INFORMATION OBTAINED FROM BRITISH COLUMBIA PETROLEUM CORPORATION (CROWN ENTITY), B.C. TAXES FOR GENERAL

PURPOSES PRESENTLY AMOUNT TO A STRAIGHT ONE PERCENT APPLIED ON 75 PERCENT OF ASSESSED VALUE OF PIPELINES. IN ADDITION, SCHOOL MILL RATE AMOUNTS ON AVERAGE TO APPROXIMATELY 40 MILLS, PLUS ABOUT 6 MILLS FOR OTHER PURPOSES, ALSO APPLIED ON 75 PERCENT OF ASSESSED VALUE. THESE TAX RATES ARE APPLICABLE TO UNINCORPORATED AREAS OF B.C. CONGEN OFFICER ADVISED THAT PIPELINE PASSAGE THROUGH MUNICIPALITIES IS INSIGNIFICANT AND THEREFORE ANY ADDITIONAL TAXES WHICH SUCH POLITICAL ENTITIES IMPOSE COULD BE CONSIDERED NEGLIGIBLE.
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Message Attributes

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